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Robert C. Klinger
Jackson Walker LLP.
Suite 600
2435 North Central Expressway
Richardson, TX 75080

EXAMINER

MARTINEZ, DAVID E

ART UNIT	PAPER NUMBER
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2181

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

Below is a restriction previously made by Patent Examiner Kim T. Huynh from Art Unit 2112 which was agreed upon by Robert Klinger (Reg. No. 34,365) on 5/23/06:

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-25, drawn to interface architecture, classified in class 710, subclass 62.
 - II. Claims 26-41, drawn to intrasystem connection processing, classified in class 710, subclass 100.
2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in systems that do not require processing data. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
5. A telephone call was made to Robert Klinger, 34,365 on May 23, 2006 to request an oral election to the above restriction requirement, applicant elected invention I (claims 1-25) without traverse.
6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.14(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-25 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of copending Application No.

10/766,660. Although the conflicting claims are not identical, they are not patentably distinct from each other because the use of "a third interface adapted to communicate with an external data network" in the instant application would have been an obvious improvement over the parent application for the benefit of transmitting data over a network from a remote location rather than having a user stay locally to transmit data from his handheld device.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Objections

Claim 4 is objected to because of the following informalities: The use of the term "PDA" should be spelled out in order to clarify its meaning. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4, 10, 12, 23, 28 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claims 1 and 12, they both call for “a third interface”. In claim 1, it is an interface adapted to communicate with an external data network, and in claim 12, it is adapted to receive control data and communicate the control data to the handheld communications device. It isn't clear if the third interface being recited in claim 1 and the third interface in claim 12 are one in the same adapted to doing both functions being claimed in the respective claims, or if the applicant is reciting two distinct third interfaces, each having their different functions.

With regards to claim 4 the use of the word “smartphone” renders the claim indefinite since it isn't clear what the metes and bounds of a smartphone really are. It is not clear what exactly is being covered by a smartphone. Could it be a phone with a special function that makes it “smart” or a phone with a handheld capabilities or a handheld with phone capabilities or some other type of device that is was not defined by the applicant?

Claim 10 contains the trademark/trade name “Powerpoint”. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the

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trademark or trade name. In the present case, the trademark/trade name is used to identify/describe presentation software and, accordingly, the identification/description is indefinite.

Claim 20 contains the trademark/trade name "Bluetooth". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a wireless communication protocol and, accordingly, the identification/description is indefinite.

With regards to claim 23, the use of the term "Linux Kemal" renders the claim indefinite because it isn't clear what the metes and bounds of an operating system based on the Linux *Kernel* really are. There exists a plurality of Linux Kernels in the industry, many that are very different from one another since they are all created for different purposes such as those for a workstation, servers, and embedded computers among others, all which use distinct kinds/types/versions of "Linux *Kernels*" (emphasis added since the word is spelled Kernel and not Kemal).

Due to the vagueness and a lack of clear definiteness in the claims, the claims have been treated on their merits as best understood by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-16, 20, 21,25, are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. US 20040024809 to Edwards et al. (hereinafter Edwards).

1. With regards to claim 1, Edwards teaches a connectivity device [fig 1 element 10], comprising:

a processor executing an operating system [fig 1 element 12, paragraph 16];

a first interface responsively coupled to the processor [fig 1 element 12 has a network interface that connects to network element 18 – paragraph 16] and adapted to communicate with a physically remote handheld portable communications device [fig 1 elements 14(1) to 14(n)]; and

a second interface responsive to the processor [fig 1 element 16 has a network interface that connects it to network element 18 – paragraph 18] and adapted to drive a physically remote display as a function of commands received from the physically remote handheld portable communications device [paragraph 22].

a third interface adapted to communicate with an external data network [fig 1 element 14(1) to 14(n) have an interface to communicate with network element 18 - paragraph 20].

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2. With regards to claim 4, Edwards teaches the connectivity device as specified in claim 1 wherein the handheld communications device comprises a PDA [fig 1 elements 14(1) to 14(n) – paragraphs 17 and 22].

3. With regards to claim 5, Edwards teaches the connectivity device as specified in claim 1 wherein the handheld communications device comprises a smartphone [paragraph 19].

4. With regards to claim 6, Edwards teaches the connectivity device as specified in claim 1 wherein the first interface is adapted to serially communicate with the handheld communications device [paragraph 20].

5. With regards to claim 7, Edwards teaches the connectivity device as specified in claim 1 wherein the first interface is adapted to wirelessly communicate with the handheld communications device [paragraph 20].

6. With regards to claim 8, Edwards teaches the connectivity device as specified in claim 1 wherein the handheld communications device has a processor, and memory storing data indicative of visual images [paragraph 17], wherein the second interface is adapted to communicate the data to the display device for visually rendering the data [paragraph 22].

7. With regards to claim 9, Edwards teaches the connectivity device as specified in claim 9 wherein the processor is enabled to receive data indicative of visual images via the third interface [paragraph 22].

8. With regards to claim 10, Edwards teaches the connectivity device as specified in claim 9 wherein the data is indicative of slides and forms a visual presentation [paragraphs 22 and 24].

9. With regards to claim 11, Edwards teaches the connectivity device as specified in claim 10 wherein the data is in a Powerpoint® format [paragraphs 22 and 24].

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10. With regards to claim 12, Edwards teaches the connectivity device as specified in claim 1 further comprising a third interface adapted to receive control data and responsively communicate the control data to the handheld communications device [fig 8 shows a GUI interface and buttons that control the handheld communications device].

11. With regards to claim 13, Edwards teaches the connectivity device as specified in claim 12 wherein the third interface is adapted to receive and communicate the control data from a keyboard [fig 8 shows a GUI interface and buttons (a keypad/keyboard) that control the handheld communications device].

12. With regards to claim 14, Edwards teaches the connectivity device as specified in claim 13 wherein the third interface is adapted to receive and communicate the control data from a mouse [paragraph 41].

13. With regards to claim 15, Edwards teaches the connectivity device as specified in claim 14 wherein the communication device is adapted to detect and forward the keyboard and mouse control data to the handheld communications device such that it is executable thereby [fig 8 element 14, paragraphs 40-41].

14. With regards to claim 16, Edwards teaches the connectivity device as specified in claim 15 wherein the keyboard control data is translated into keystrokes such that it is executable by the handheld communications device [paragraphs 40-41].

15. With regards to claim 17, Edwards teaches the connectivity device as specified in claim 15 wherein the mouse control data is translated into stylus taps and cursor movements such that it is executable by the handheld communications device [fig 8 element 14 discloses buttons 34 being part of the GUI which is accessible by mouse or by the GUI interface (stylus taps) – paragraphs 40-41].

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16. With regards to claim 21, Edwards teaches the connectivity device as specified in claim 8 wherein the first interface is adapted to communicate with the handheld communications device using a Bluetooth protocol [paragraph 20].

17. With regards to claim 22, Edwards teaches the connectivity device as specified in claim 8 wherein the first interface is adapted to communicate with the handheld communications device using a 802.11 protocol [paragraph 20].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 20040024809 to Edwards et al. (hereinafter Edwards). In view of US Patent Application Publication No. US 20040088452 A1 to Scott.

18. With regards to claim 2, Edwards is silent as to the connectivity device as specified in claim 1 wherein the operating system is configured as a USB host system providing a communication channel to the handheld portable communications device, however, Scott teaches an operating system [fig 2 element 232, figure 6 element 632 paragraphs 38, 59] configured as a USB host system [paragraph 35] providing a communication channel to a handheld portable communications device [figure 2 element 210, figure 6 element 610] for the benefit of using the USB protocol to provide user ease of setup of the communication channel between two elements.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Edwards and Scott to have the operating system be

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configured as a USB host system providing a communication channel to the handheld portable communications device for the benefit of using the USB protocol to provide user ease of setup of the communication channel between the two elements.

19. With regards to claim 3, the combination of Edwards and Scott teaches the connectivity device as specified in claim 2 wherein the operating system is configured to connect to a highest numbered endpoint via the first interface [when a USB device connects to a host device, it always takes the highest numbered endpoint] for the same reasons as those above under claim 2.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 20040024809 to Edwards et al. (hereinafter Edwards). In view of US Patent No. 6,493,745 to Cherian.

20. With regards to claims 18 and 19, Edwards is silent as to the connectivity device as specified in claim 16 and 17, wherein the keystrokes, the stylus taps and cursor movements are inserted into a data queue. However, Cherian teaches storing user inputs (keystrokes, stylus taps and cursor movements) into a data queue for the benefit of holding local items until processed in order to prevent a perception to a user of slow processing or system lockout due to extended delay in processing a local item while the processing of a server-based item takes place [column 1 lines 33-45, line 65 to column 2 line 2].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Edwards and Cherian to have the keystrokes, the stylus taps and cursor movements are inserted into a data queue for the benefit of holding local items until processed in order to prevent a perception to a user of slow processing or system lockout due to extended delay in processing a local item while the processing of a server-based item takes place.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 20040024809 to Edwards et al. (hereinafter Edwards). In view of US Patent No. 5,736,968 to Tsakiris.

21. With regards to claim 20, Edwards is silent as to the connectivity device as specified in claim 14 wherein the connectivity device has a fourth interface adapted to receive wireless control data from a physically remote control device such that the connectivity device is controllable as a function of the wireless control data, however, Tsakiris teaches having an interface adapted to receive wireless control data from a physically remote control device such that a connectivity device is controllable as a function of the wireless control data for the benefit of adding flexibility and control to a presenter during a presentation by enabling a presenter to perform certain preselected function without standing at a presenting device [abstract, column 1 lines 36-51, column 3 lines 51-65].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Edwards and Tsakiris to have a fourth interface adapted to receive wireless control data from a physically remote control device such that the connectivity device is controllable as a function of the wireless control data for the benefit of adding flexibility and control to a presenter during a presentation by enabling a presenter to perform certain preselected function without standing at a presenting device.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 20040024809 to Edwards et al. (hereinafter Edwards). In view of US Patent No. 6,671,737 to Snowdon et al. (hereinafter Snowdon).

22. With regards to claim 23, Edwards is silent as to the connectivity device as specified in claim 9 wherein the first interface comprises an infrared transceiver, however, Snowdon teaches

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a PDA using an infrared transceiver to communicate over a first interface for the benefit of being able to communicate without having to do a physical docking [column 9 lines 52-63].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Edwards and Snowdon to have the first interface comprise an infrared transceiver to be able to communicate with a handheld portable communications device for the benefit of communicating with it without having to do a physical docking.

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 20040024809 to Edwards et al. (hereinafter Edwards). In view of US Patent Application Publication No. US 20040088452 A1 to Scott

23. With regards to claim 24, Edwards is silent as to the connectivity device as specified in claim 1 wherein the operating system is based on a Linux Kernel, however Scott teaches when communicating with a handheld device, using an operating system that is based on a Linux kernel for the benefit of saving cost by using free open source software [paragraphs 38 and 59].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Edwards and Scott to have the operating system be based on a Linux kernel for the benefit of saving cost by using free open source software.

24. With regards to claim 25, Edwards teaches the connectivity device as specified in claim 24 further comprising RAM memory operatively coupled to the processor [paragraphs 16, 17 and 18. the Server, the PDA and the projector all include RAM memory and a processor].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure which are all directed to handheld devices operatively coupled to a remote display.

US Patent Application Publication No. US 20030120849A1 to Roslak et al. which teaches a PDA presentation device which is operatively coupled with a remote display.

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US Patent Application Publication No. US 20050036509A1 to Acharya et al. which teaches PDAs enabled to make wireless presentations.

US Patent Application Publication No. US 20040054757A1 to Ueda et al. which teaches a remote control of computer resources from handheld devices.

US Patent Application Publication No. US 20050174488A1 to Chennakeshu which teaches a handheld device displaying information on a remote video screen.

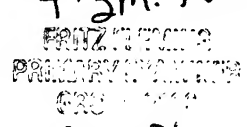
US Patent Application Publication No. US 20050129385A1 to Speasl et al. a handheld memory device which can be used to share imaged with another display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Martinez whose telephone number is (571) 272-4152. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fritz M. Fleming can be reached on 571-272-4145. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEM

Fritz M. Fleming
Supervisory  6/8/2006
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